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OFFICE OF PETITIONS

In re Application of :
Bayles & King :
Application No. 10/016,498 :
Filed: November 1, 2001 :
Attorney Docket No. 10720/4:1 :
For: REGISTRY-INTEGRATED INTERNET :
DOMAIN NAME ACQUISITION SYSTEM :

This is a decision on (1) the petition under 37 CFR 1.48(a) to correct the inventorship in the above-identified application, (2) the constructive petition under 37 CFR 1.183 for waiver of 37 CFR 1.48(a)(3), which requires an executed oath or declaration by the actual inventors, and (3) the petition under 37 CFR 1.47(a), which will be treated as a petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.67 and 1.63, which requires that a supplemental declaration be executed by all named inventors. Rule 47 has no application to Mr. Bayles because he executed a declaration on March 25, 2002. Any subsequent declaration he executes will be considered a supplemental declaration. MPEP 201.03. The first and second petitions listed above were filed on September 27, 2004 and the third was filed on September 30, 2004.

The petition under 37 CFR 1.183 to waive 37 CFR 1.48(a)(3) is **GRANTED**.

The petition under 37 CFR 1.183 to waive 37 CFR 1.67 and 1.63 is **GRANTED**.

The petition under 37 CFR 1.48(a) to correct inventorship is **GRANTED**.

An executed declaration in compliance with 37 CFR 1.63 was filed on March 25, 2002. The executed declaration listed a sole inventor – Len Albert Bayles.

The instant petitions were filed to correct the inventorship by adding Raymond King as a joint inventor. The evidence presented shows that Attorney Micah D. Stolowitz presented Mr. Bayles with a complete copy of the patent application and a declaration for patent application on August 13, 2004, but Mr. Bayles refused to execute the document. The Office finds that Mr. Bayles has refused to execute the supplemental declaration. It is agreed that, under the circumstances of this case, justice would be served by waiver of the rules where they require Bayles' signature on any

supplemental declaration. Petitioner has shown (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. *In re Sivertz*, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985).

The petition under 37 CFR 1.183 to waive 37 CFR 1.48(a)(3) is **granted**. The petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.67 and 1.63 is **granted**.

Petitioner has also satisfied the requirements of 37 CFR 1.48(a): Petitioner requested correction of inventorship and set forth the desired inventorship change; petitioner provided a statement from the person being added as an inventor that the error in inventorship occurred without deceptive intention on his part; petitioner successfully obtained waiver of the requirement that all the actual inventors execute the declaration; the processing fee was paid; and written consent of the assignee was submitted.

The petition under 37 CFR 1.48(a) is **granted**.

Petitioner has shown that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and, accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by the addition of Raymond King as a joint inventor.

Please find enclosed a corrected filing receipt that reflects the inventorship change.

Regarding finances, three petitions (two actual and one constructive) were filed, but only two petition fees were paid. Therefore, deposit account no. 19-4455 will be charged an additional \$130.00 petition fee.

After the mailing of this decision, the application will be forwarded to Technology Center 2100 for further examination.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.



E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

enclosure: corrected filing receipt